

Exhibit “B”

USPS CERTIFIED MAIL



9214 8901 5599 0000 3015 07

PROGRESSIVE MOUNTAIN INSURANCE COMPANY
ATTN: AMANDA MORALES
747 ALPHA DR
HIGHLAND HGTS OH 44143-2124

GARY MARTIN HAYS & ASSOCIATES, P.C.
3098 BRECKINRIDGE BLVD.
DULUTH, GA 30096-4901

GARY MARTIN HAYS
SARAH R. JETT
J. NIKKI OATES
SHAUN R. CARTER
RAMON WALLS PALANCA, JR.
EMILY AKBARSHAHI
WILLIE J. HEARD

Case 1:23-mi-99999-UNA Document 1778-2 Filed 06/01/23 Page 3 of 14

LAW OFFICES OF
GARY MARTIN HAYS
& ASSOCIATES, P.C.
Personal Injury • Wrongful Death • Workers' Compensation
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3098 Breckinridge Blvd.
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Office (770) 934-8000
Toll Free (888) 934-8100
PI Fax (770) 934-1631
WC Fax (770) 934-8801

November 14, 2022

VIA CERTIFIED MAIL

Progressive Mountain Insurance Company
Attn: Amanda Morales
747 Alpha Drive
Highland Heights, OH 44143

**RE: Delivery of Summons and Complaint to Liability Insurer of Defendant in
accordance with O.C.G.A. § 33-7-15**

Your Claim No.: 22-2364686
Your Named Insured: Great American Lawn
Our Client: Resi Kowski
Date of Injury: February 23, 2022

Dear Amanda:

In accordance with O.C.G.A. § 33-7-15 enclosed you will find a copy of the Summons and Complaint that has been submitted for filing in the State Court of Gwinnett County in the above-referenced case.

With kind regards.

Very truly yours,
LAW OFFICES OF
GARY MARTIN HAYS & ASSOCIATES, P.C.
Attorneys for Plaintiff

Shaun R. Carter

Shaun R. Carter, Esq.

SRC:scm
Enclosure

E-FILED IN OFFICE - JT
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
22-C-06263-S2
11/4/2022 12:43 PM
TIANA P. GARNER, CLERK

COPY

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

RESI KOWSKI,

Plaintiff,

v.

GREAT AMERICAN LAWN, LLC
& VICTOR VAZEMILLER

Defendants.

CIVIL ACTION FILE

22-C-06263-S2

NO:

SUMMONS

SERVE: Victor Vazemiller

1310 Settles Road, Suwanee, GA, 30024

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of Said Court and serve upon the Plaintiff's attorney, whose name and address is:

Shaun R. Carter, Esq.
Law Offices of Gary Martin Hays & Associates, P. C.
3098 Breckinridge BLVD
Duluth, GA 30096

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

4th day of November, 2022

This the _____ day of _____, 2022.

Tiana P. Garner

Clerk of State Court

BY:

Deputy Clerk

Tiana P. Garner

Law Offices of
GARY MARTIN HAYS
& ASSOCIATES, P.C.

3098 Breckinridge Blvd
Duluth, GA 30096
(770) 934-8000

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5 01 14 E-FILED IN OFFICE - JT
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA

22-C-06263-S2

11/4/2022 12:43 PM
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IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

RESI KOWSKI,

Plaintiff,

V.

GREAT AMERICAN LAWN, LLC
& VICTOR VAZEMILLER

Defendants.

CIVIL ACTION FILE
22-C-06263-S2

NO:

SUMMONS

SERVE: GREAT AMERICAN
LAWN, LLC

Registered Agent: Victor Vazemiller
1310 Settles Road, Suwanee, GA, 30024

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of Said Court and serve upon the Plaintiff's attorney, whose name and address is:

Shaun R. Carter, Esq.
Law Offices of Gary Martin Hays & Associates, P. C.
3098 Breckinridge BLVD
Duluth, GA 30096

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

4th day of November, 2022

This the _____ day of _____, 2022.

Tiana P. Garner

Clerk of State Court

BY:

Deputy Clerk

Julie A. Thomas
Deputy Clerk

Law Offices of

**GARY MARTIN HAYS
& ASSOCIATES, P.C.**

3098 Breckinridge Blvd
Duluth, GA 30096
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COPYIN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

RESI KOWSKI)

Plaintiff,)

v.)

CIVIL ACTION FILE

22-C-06263-S2

GREAT AMERICAN LAWN, LLC &)
VICTOR VAZEMILLER)

NO:

Defendant.)

COMPLAINT FOR INJURIES AND DAMAGES

COMES NOW Resi Kowski, Plaintiff in the above-styled action and shows unto this

Court the following:

PARTIES AND JURISDICTION

1.

Defendant Great American Lawn, LLC (hereinafter also referred to as "Defendant(s)" or "Great American Lawn") is a Georgia Limited Liability Company and may be served through its registered agent, Victor Vazemiller, 1310 Settles Road, Suwanee, GA 30024.

2.

Jurisdiction and venue are proper as to Defendant Great American Lawn.

3.

Defendant Victor Vazemiller (hereinafter also referred to as "Defendant(s)" or "Defendant Vazemiller") resides at 1310 Settles Road, Suwanee, GA, 30024, and may be served at that address.

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& ASSOCIATES, P.C.3098 Breckinridge Blvd
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4.

Jurisdiction and venue are proper as to Defendant Victor Vazemiller.

FACTS AND LIABILITY OF DEFENDANTS

5.

On or about February 23, 2022, Defendant Victor Vazemiller negligently operated a motor vehicle in such a manner as to cause it to collide into the motor vehicle being driven by Plaintiff Resi Kowski. Ms. Kowski was, at all times, operating her vehicle in a safe and prudent manner.

6.

At about the same time, Defendant Vazemiller, driving his vehicle that he owned on behalf of Defendant Great American Lawn, was the owner of the vehicle that was involved in the collision with the Plaintiff's vehicle.

7.

Defendant Vazemiller was the driver of the vehicle that was involved in the collision with the Plaintiff's vehicle.

8.

The initial collision between the two vehicles occurred as a direct and proximate result of Defendants' negligence.

9.

Defendant Victor Vazemiller was negligent in one or more of the following respects: negligently following too closely (O.C.G.A. § 40-6-49)(an offense for which Defendant Mahone received a citation (Citation No. 21938425ET)); negligently failing to maintain his vehicle under proper control; negligently causing a collision in the roadway; negligently failing to keep a

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proper lookout; negligently failing to use or sound a signal or warning; negligently failing to make timely and proper application of brakes; negligently failing to avoid striking Plaintiffs' vehicle; negligently traveling at an excessive speed under the circumstances; negligently failing to exercise due care (O.C.G.A. § 40-6-241); negligently operating a motor vehicle in reckless disregard for the safety of persons or property in violation of O.C.G.A. § 40-6-390; and any other acts of negligence that may be proven at trial.

9.

On February 23, 2022, at the time of the wreck at issue, Defendant Vazemiller was an employee and/or agent acting at all times within the course and scope of his agency and/or employment and in furtherance of the business of Defendant Great American Lawn and at the direction of Defendant Great American Lawn. All Defendants are jointly and severally liable and Defendant Great American Law is liable for the actions of Defendant Vazemiller under theories of Respondeat Superior, vicarious liability, and agency principles.

10.

Defendants' actions constituted negligence in operating the vehicle contrary to the reasonable and safe conditions and circumstances then existing.

11.

Defendants' actions constituted negligence by engaging in a driving manner which was ill-timed and improper, causing danger, injuries, damages, losses, physical pain, and emotional distress to Plaintiff Kowski.

12.

Defendants were and are negligent per se.

13.

All of the Plaintiff's injuries and damages were proximately caused by the negligence of the Defendants.

DAMAGES

14.

Plaintiff claims compensatory damages from said Defendants to compensate Plaintiff for all of Plaintiff's pain and suffering, injuries, and mental and emotional suffering resulting from the incident complained of, past, present, and future.

15.

As a result of Defendant's negligence, Plaintiff claims past medical expenses in excess of \$48,888.00. Plaintiff also seeks medical expenses for medical treatment and attention which will be required in the future as a result of the incident complained of.

16.

As a result of Defendant's negligence, Plaintiff claims lost wages in the amount of \$12,972.61 and future lost wages in such an amount as shall be proven at trial.

WHEREFORE, Plaintiff prays for the following:

- (a) That summons issue requiring the Defendant to appear as provided by law to answer fully and completely each and every allegation in this instant Complaint;
- (b) That Plaintiff have and recover compensatory damages from the Defendant in such an amount as the jury deems just and appropriate to fully and completely compensate Plaintiff for all of Plaintiff's injuries and pain and suffering, mental, physical, and emotional, past, present, and future;

- (c) That Plaintiff have and recover from said Defendant special damages for past and future medical expenses and loss of income in the past and future in such an amount as shall be proven at trial;
- (d) That this matter be tried to a jury;
- (e) That the Plaintiff be awarded the costs of this action, including reasonable attorneys' fees, as the Defendant has acted and continues to act in a manner that is stubbornly litigious, causing Plaintiff unnecessary trouble and expense within the meaning of **O.C.G.A. Section 13-6-11**;
- (f) That the Plaintiff be awarded the costs of this action, including reasonable attorneys' fees, as the defenses in this action have lacked substantial justification, and/or were interposed for delay or harassment, and/or the Defendant unnecessarily expanded the proceeding by other improper conduct pursuant to **O.C.G.A. Section 9-15-14**;
- (g) That the Plaintiff be awarded the costs of this action, including reasonable attorneys' fees, as the defenses in this action have lacked substantial justification, and/or were not made in good faith, and/or the Defendant unnecessarily expanded the proceeding by other improper conduct pursuant to **O.C.G.A. Section 9-11-68**;
- (h) That all costs be cast against the Defendant;
- (i) For such other and further relief as this Court deems just and appropriate.



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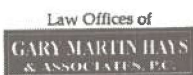
This the 4th day of November, 2022.

LAW OFFICES OF
GARY MARTIN HAYS & ASSOCIATES, P.C.
Attorneys for Plaintiff



Shaun R. Carter, Esq.
Georgia Bar No.: 327305

3098 Breckinridge Blvd.
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Tel: 770-934-8000
Fax: 770-934-1631
shaun@garymartinhays.com



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IN THE STATE COURT OF GWINNETT COUNTY
 STATE OF GEORGIA

RESI KOWSKI,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION FILE
)	
GREAT AMERICAN LAWN, LLC)	NO: 22-C-06263-S2
& VICTOR VAZEMILLER)	
)	
Defendants.)	

RULE 5.2 CERTIFICATE OF SERVICE

Comes now, Resi Kowski, Plaintiff in the above styled case, and pursuant to Superior and State Court Uniform Rule 5.2, notifies the Court that Plaintiff served upon Defendants Great American Lawn, LLC and Victor Vazemiller, Uninsured/Underinsured Motorist Carrier Liberty Mutual General Insurance Company copies of the following:

- (1) Request for Admissions of Facts to Defendant Great American Lawn, LLC;
- (2) Plaintiff's First Continuing Interrogatories to Defendant Great American Lawn, LLC;
- (3) Request for Production of Documents to Defendant Great American Lawn, LLC
- (4) Request for Admissions of Facts to Defendant Victor Vazemiller;
- (5) Plaintiff's First Continuing Interrogatories to Defendant Victor Vazemiller;
- (6) Request for Production of Documents to Defendant Victor Vazemiller
- (7) Plaintiff's First Continuing Requests for Admissions to Uninsured/Underinsured Motorist Carrier Liberty Mutual General Insurance Company
- (8) Plaintiff's First Continuing Interrogatories to Uninsured/Underinsured Motorist Carrier Liberty Mutual General Insurance Company

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(9) Plaintiff's First Request for Production of Documents to Uninsured/Underinsured
Motorist Carrier Liberty Mutual General Insurance Company

This the 4 day of November, 2022.

LAW OFFICES OF
GARY MARTIN HAYS & ASSOCIATES, P.C.
Attorneys for Plaintiff



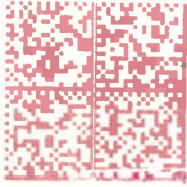
Shaun R. Carter, Esq.
Georgia Bar No.: 327305

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COMMERCIAL CLAIMS